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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,001	07/05/2001	Mark J. McArdle	002114.P021	5140
7590 03/21/2005				
ZILKA-KOTAB, PC		EXAMINER		
P.O. BOX 721120		MOORTHY, ARAVIND K		
SAN JOSE, CA 95172-1120				
		ART UNIT	PAPER NUMBER	
		2131		

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/900,001

Applicant(s)

MCARDLE ET AL.

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is in response to the amendment filed on 6 December 2004.
2. Claims 1-39 are pending the application.
3. Claims 1-39 are rejected.

#### *Response to Amendment*

4. The examiner approves the amendment made to the abstract. The abstract no longer exceeds the 150-word limit.

#### *Response to Arguments*

5. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1- 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikander et al U.S. Patent No. 6,253,321 B1 in view of Fink U.S. Patent No. 6,289,463 B1.**

As to claims 1, 3, 5, 13, 15, 17, 25, 27 and 33-36, Nikander et al discloses intercepting a portion of outgoing network data characteristic of the operating system [column 5, lines 41-53].

Nikander et al does not teach masking the portion of outgoing network data to impersonate a different operating system in accordance with a security policy if the network is an

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untrusted network. Nikander et al does not teach replacing the portion of outgoing network data with data characteristic of the different operating system.

Fink teaches impersonating a different operating system in accordance with a security policy if the network is an untrusted network [column 5, lines 23-38]. Fink teaches replacing the portion of outgoing network data with data characteristic of the different operating system [column 6 line 55 to column 7 line 20].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Nikander et al so that the firewall would have missed the portion of outgoing network data to impersonate a different operating system in accordance with a security policy if the network is an untrusted network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Nikander et al by the teaching of Fink because certain operating system more vulnerable to attacks. Therefore, if it were an untrusted network, you would not want an outsider to penetrate your operating system.

As to claims 2, 14 and 26, the Nikander teaches discarding the portion of outgoing network data [column 7, lines 39-67].

As to claims 4 and 16, the Nikander teaches that the security policy identifies the portion of outgoing network data and specifies an action to take to mask the portion of outgoing network data [column 8, lines 1-12].

As to claims 6, 18 and 39, the Nikander teaches that the security policy further defines the network as untrusted [column 8, lines 1-12].

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As to claims 7, 19 and 29, the Nikander teaches receiving the security policy through the network [column 8, lines 1-12].

As to claims 8, 20 and 30, the Nikander teaches modifying the security policy based on user input [column 8, lines 57-67].

As to claims 9, 21 and 28, the Nikander teaches transmitting the portion of outgoing network data unchanged if the network is a trusted network [column 7, lines 39-67].

As to claims 12, 24 and 32, the Nikander teaches that the method is integrated into a firewall that protects the computer [column 5, lines 54-67].

As to claims 10, 22, 31, 37 and 38, the Nikander teaches the method further comprising:

intercepting a portion of incoming network data, as discussed above; and  
sending a false response to the portion of incoming network data to  
impersonate the different operating system in accordance with the security policy  
if the network is an untrusted network [column 7, lines 39-67].

As to claims 11 and 23, the Nikander teaches that the security policy identifies the portion of incoming network data and the false response [column 7, lines 39-67].


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*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy   
March 15, 2005

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100